

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Issued Patent No. 7,078,433

Issued July 18, 2006

Application of Roy E. Wuthier et al.

Art Unit 1616

Serial No. 10/696,760

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Confirmation No. 6691

For FC101 AND ANALOGS AS A METHOD OF TREATMENT FOR CANCER

Examiner A. N. Pryor

July 18, 2006

LETTER REGARDING ERROR IN PATENT TERM ADJUSTMENT

TO THE COMMISSIONER FOR PATENTS,
SIR:

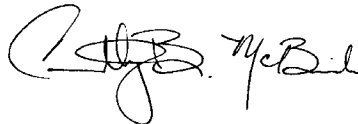
Pursuant to Comment 43 of the rules listed in Federal Register Vol. 65, No. 181 at page 56387 (Sept. 18, 2000), Applicants hereby notify the Office that the term adjustment for the above-referenced patent is thought to be longer than appropriate. The Office indicated in the Issue Notification that the patent is entitled to a patent term adjustment of one-hundred twenty-four (124) days, but applicants believe that the correct adjustment is zero (0) days.

Applicants submit that the present patent is subject to a terminal disclaimer and, therefore, may not be adjusted under 35 U.S.C. § 154 beyond the expiration date specified in the disclaimer. 35 U.S.C. § 154(b)(2)(B). Hence, the patent term adjustment should be zero (0) days.

Accordingly, it is believed that the patent term adjustment should be reduced by one-hundred twenty-four (124) days to zero (0) days. Applicants respectfully request a correction in the patent term adjustment determination.

Applicants believe that no fee is due for the filing of this letter.

Respectfully submitted,



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